

· Appl. No. 10/721,258
In re Crawford et al.
Reply to Office Action of Nov. 30, 2005

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated November 30, 2005. This request for reconsideration is intended to be fully responsive thereto.

Claims 1-5 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Wong et al. (USPN 6,423,225). The applicant respectfully disagrees.

Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). Anticipation must be found in a single reference. *E.g., Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc.*, 726 F.2d 724, 726-27, 220 U.S.P.Q. 841 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Applicant respectfully submits that the applied document, *i.e.*, the liquid filter of Wong, does not meet this standard of anticipation. More specifically, Wong fails to disclose a filter assembly comprising a directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate. Contrary to the Examiner's allegations, Wong clearly shows (see Fig. 1) and discloses (see column 2, lines 48-52) that the fins 42 disposed below the space 28 between the end plate 32 and the filter element 12, not between the first end of the filter element and the end plate as recited in claim 1 of the present application.

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For this reason, Applicant respectfully submits that the applied document, *i.e.*, the '225 patent to Wong, does not meet this standard of anticipation. Accordingly, the rejection of claims 1-5 and 9 under 35 U.S.C. 102(b) as being anticipated by Wong is improper.

Claims 1-3, 5-9 and 11-13 were rejected under 35 U.S.C. 102(e) as being anticipated by Rhyne et al. (USPN 6,761,822). The applicant respectfully disagrees.

Applicant respectfully submits that the applied document, *i.e.*, the liquid filter of Rhyne, does not meet this standard of anticipation. More specifically, Rhyne fails to disclose a filter assembly comprising a directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate. Contrary to the Examiner's allegations, Rhyne clearly shows (see Figs. 1 and 4) and discloses (see column 4, lines 42-47 and column 5, lines 14-18) that the fins 122 disposed below the space 32 between the end plate 18 and the filter element 40 (in the annular channel 42), not between the first end of the filter element and the end plate as recited in claim 1 of the present application.

For this reason, Applicant respectfully submits that the applied document, *i.e.*, the '822 patent to Rhyne, does not meet this standard of anticipation. Accordingly, the rejection of claims 1-3, 5-9 and 11-13 under 35 U.S.C. 102(e) as being anticipated by Rhyne is improper.

Further regarding claim 12: In addition to the above regarding the patentability of claim 1, Rhyne fails to disclose the directional fluid insert including a plurality of flexible mounting tabs axially extending from the fins. By contrast to the present invention as recited in claim 12, the array 120 of fins 122 of Rhyne has a plurality of inwardly projecting tabs 142 which extend radially (see column 5, lines 14-16, and Fig. 5), not axially as recited in claim 12 of the present

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application. Thus, the rejection of claim 12 under 35 U.S.C. 102(e) as being anticipated by Rhyne is improper.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wong. The applicant respectfully disagrees.

As argued above regarding the patentability of claim 1 over Wong, Wong fails to disclose a filter assembly comprising a directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate. Claim 6 recites additional limitation further defining the present invention over Wong. Thus, the rejection of claim 6 under 35 U.S.C. 103(a) over Wong is improper.

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Janik et al. (US 5,938,921). The applicant respectfully disagrees.

As argued above regarding the patentability of claim 1 over Wong, Wong fails to disclose a filter assembly comprising a directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate.

The Examiner alleges that Janik teaches a filter insert with a spiral fin. Contrary to the Examiner's allegations, Janik discloses a generally conical water separating baffle 50 including generally conical body 54 disposed below (or downstream) a sock filter 30, and a spiraling rim 56 (not a fin) that spirals radially outwardly and downwardly along the upper surface 55 of body 54. The spiraling rim 56 of Janik is provided for guiding water droplets falling down from the sock filter 30 and intercepted by baffle 50 toward the exit fence 58. In other words, Janik further

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fails to disclose the fin provided to cause the fluid entering the filter housing through the fluid inlet to swirl around the filter element.

Moreover, the filter of Wong teaches the array of fins for imparting a centrifugal force to contaminants in a liquid to be filtered, while Janik teaches the water separating baffle 50 with the spiraling rim 56 for guiding droplets of contaminant water already separated from the liquid to be filtered. Therefore, the combination and/or modification of Wong and Janik could not be possible.

Thus, the rejection of claim 10 under 35 U.S.C. 103(a) over Wong in view of Janik is improper.

Claims 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rhyne in view of Lynch et al. (US 5,785,850). The applicant respectfully disagrees.

As argued above regarding the patentability of claim 1 over Rhyne, Rhyne fails to disclose a filter assembly comprising a directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate. Therefore, even if the combination and modification of Rhyne and Lynch could be made, the resulting filter assembly would still lack the directional fluid insert having at least one of fin disposed between the first end of the filter element and the end plate. Claims 14 and 15 recite additional limitation further defining the present invention over the cited prior art. Thus, the rejection of claims 14 and 15 under 35 U.S.C. 103(a) over Rhyne and Lynch is improper.

Further regarding claim 15: in addition to the above arguments regarding the rejection of claims 14 and 15, neither Rhyne nor Lynch teach a snap fit coupling including a plurality of

flexible mounting tabs axially extending from the outer ring. By contrast to the present invention as recited in claim 15, the array 120 of fins 122 of Rhyne has a plurality of inwardly projecting tabs 142 which extend radially (see column 5, lines 14-16, and Fig. 5), not axially as recited in claim 15 of the present application. Therefore, the rejection of claim 15 under 35 U.S.C. 103(a) as being unpatentable over Rhyne in view of Lynch is improper.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Rhyne. The applicant respectfully disagrees.

The Examiner alleges that Wong discloses all the elements of the present invention as recited in claim 16 of the present application, except the base ring or mounting tabs. The Examiner further alleges that Rhyne discloses a filter assembly with a directional fluid insert including a substantially annular base ring (140) formed integrally with a plurality of fins and the snap fit coupling having a plurality of flexible mounting tabs formed integrally with and axially extending from the fins.

Contrary to the Examiner's allegations, Wong fails to disclose a filter assembly comprising a directional fluid insert having a plurality of fin disposed between the first end of the filter element and the end plate. Contrary to the Examiner's allegations, Wong clearly shows (see Fig. 1) and discloses (see column 2, lines 48-52) that the fins 42 disposed below the space 28 between the end plate 32 and the filter element 12, not between the first end of the filter element and the end plate as recited in claim 16 of the present application. Furthermore, Rhyne fails to disclose the directional fluid insert including the snap fit coupling having the plurality of flexible mounting tabs axially extending from the fins. By contrast to the present invention as recited in claim 12, the array 120 of fins 122 of Rhyne has a plurality of inwardly projecting tabs 142

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which extend radially (see column 5, lines 14-16, and Fig. 5), not axially as recited in claim 16 of the present application.

Therefore, even if the combination and modification of Wong and Rhyne could be made, the resulting filter assembly would still lack the directional fluid insert having the plurality of fin disposed between the first end of the filter element and the end plate, and the snap fit coupling having the plurality of flexible mounting tabs axially extending from the fins. Thus, the rejection of claim 16 under 35 U.S.C. 103(a) over Wong and Rhyne is improper.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Rhyne and Lynch. The applicant respectfully disagrees.

The Examiner alleges that Wong discloses all the elements of the present invention as recited in claim 16 of the present application, except the base ring or mounting tabs. The Examiner further alleges that Rhyne discloses a filter assembly with a directional fluid insert including a substantially annular base ring (140) formed integrally with a plurality of fins and the snap fit coupling having a plurality of flexible mounting tabs formed integrally with and axially extending from the fins.

Contrary to the Examiner's allegations, Wong fails to disclose a filter assembly comprising a directional fluid insert having a plurality of fin disposed between the first end of the filter element and the end plate. Contrary to the Examiner's allegations, Wong clearly shows (see Fig. 1) and discloses (see column 2, lines 48-52) that the fins 42 disposed below the space 28 between the end plate 32 and the filter element 12, not between the first end of the filter element and the end plate as recited in claim 16 of the present application. Furthermore, Rhyne fails to disclose the directional fluid insert including the snap fit coupling having the plurality of flexible

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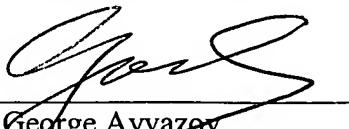
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mounting tabs axially extending from the fins. By contrast to the present invention as recited in claim 12, the array 120 of fins 122 of Rhyne has a plurality of inwardly projecting tabs 142 which extend radially (see column 5, lines 14-16, and Fig. 5), not axially as recited in claim 16 of the present application.

Therefore, even if the combination and modification of Wong, Rhyne and Lynch could be made, the resulting filter assembly would still lack the directional fluid insert having the plurality of fin disposed between the first end of the filter element and the end plate, and the snap fit coupling having the plurality of flexible mounting tabs axially extending from the fins. Thus, the rejection of claim 16 under 35 U.S.C. 103(a) over Wong in view of Rhyne and Lynch is improper.

It is respectfully submitted that claims 1-17 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

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